

REMARKS

The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

Double Patenting

Claims 23-44, 46-55 and 62-64 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6, 1, 1, 1, 7-14, 5, 15, 11, 16-18, 20-22, 5, 11, 2-61, 5 and 11 respectively over United States Patent No. 6,697,421.

Applicants previously submitted a Terminal Disclaimer. At the time of filing this response, Applicants do not understand why the Terminal Disclaimer was not accepted. Applicants have phoned a USPTO representative in charge of the Terminal Disclaimer and left a message to inquire further about why the Terminal Disclaimer was not accepted. After speaking with the USPTO representative, Applicants will attend to this double patenting rejection, as appropriate.

35 U.S.C. §103(a) Rejection – Fennell, Collesei, STD-101

Claims 23-35 and 37-40 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Applicant Admitted Prior Art (hereinafter "AAPA") (using U.S. Patent No. 5,418,524 issued to Fennell, hereinafter "Fennell" for inherency) in view of Collesei (hereinafter "Collesei") ("Short Message Service Based Applications in the GSM Network") and further in view of PCCA Standard STD-101 Annex f (hereinafter "STD-101") ("Data Transmission Systems and Equipment-Serial Asynchronous Automatic Dialing and Control for Character Mode DCE on Wireless Data Services-Annex F: Miscellaneous Commands").

Without admitting that these references could or should be combined, the Applicants respectfully submit that the present claims are allowable over AAPA, Fennell, Collesei, and STD-1.

Claim 23 recites:

"A device comprising:

a processor;

at least one memory coupled to the processor, the at least one memory including instructions to cause the processor to implement a wireless protocol;

a RF transceiver coupled to the processor; and

an interface coupled to the processor, the interface to receive signals from an equipment;

wherein the processor is to process the signals received from the equipment over the interface; and

wherein the processor is further to process one or more short message service messages received through the RF transceiver from a wireless network, the short message service messages including modem management information; and

wherein the modem management information is to allow at least one of remote initialization and remote control of the equipment, wherein the modem management information includes program code to execute on the wireless modem, wherein the processor is to process the short message service messages at the wireless modem including handling a request for a call log history, and wherein the equipment is selected from a utility meter, a meter concentration point, a utility meter control system, a substation monitor, telemetry equipment, a vending machine, and a computer".

As understood by Applicants, AAPA, Fennel, Colesei, and STD-1 do not disclose these limitations or render them obvious. In particular, as understood by Applicants, AAPA, Fennel, Colesei, and STD-1 do not disclose or render obvious "*wherein the modem management information is to allow at least one of remote initialization and remote control of the equipment, wherein the modem management information includes program code to execute on the wireless modem, wherein the processor is to process the short message service messages at the wireless modem including handling a request for a call log history, and wherein the equipment is selected from a utility meter, a meter concentration point, a utility meter control system, a substation monitor, telemetry equipment, a vending machine, and a computer*".

For at least one or more of these reasons, claim 23 and its dependent claims are believed to be allowable over AAPA, Fennel, Colesei, and STD-1.

Independent claim 32 recites in part *"wherein said processing the short message service message at the wireless modem comprises locating program code in the short message service message that is to execute on the wireless modem"*. Accordingly, independent claim 32 and its dependent claims are also believed to be allowable over AAPA, Fennel, Colesei, and STD-1 for one or more similar reasons.

35 U.S.C. §103(a) Rejection – Fennel, Collesei, STD-101, NTT

Claim 63 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over AAPA, Collesei and STD-101 as applied to claim 23 above, and further in view of NTT (hereinafter "NTT") ("Proposal for External Interface").

Claim 63 has been cancelled.

35 U.S.C. §103(a) Rejection – Fennel, Collesei, STD-101, NTT

Claim 36 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over AAPA, Collesei and STD-101 as applied to claims 32 and 41 above, and further in view of NTT.

Claim 36 has been cancelled.

35 U.S.C. §103(a) Rejection – Fennel, Collesei, STD-101, NTT

Claims 41-44, 46-55, 62 and 64 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over AAPA, Collesei, and STD-101, and further in view of NTT.

Claims 41-44, 46-55, 62 and 64 have been cancelled.

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Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the cited art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

Request For An Extension Of Time

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 6/22/09

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